



Journal of the House

State of Indiana

113th General Assembly

First Regular Session

Thirty-fourth Meeting Day

Tuesday Afternoon

March 25, 2003

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Pastor Chris Denney, First Church of God, LaGrange, the guest of Representative Marlin A. Stutzman.

The Pledge of Allegiance to the Flag was led by Representative Stutzman.

The Speaker ordered the roll of the House to be called:

T. Adams	Kromkowski
Aguilera	Kruse
Alderman	Kuzman
Austin	LaPlante
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Becker	Liggett
Behning	J. Lutz
Bischoff	Lytle
Borror	Mahern
Bosma	Mangus
Bottorff	Mays
C. Brown	McClain
T. Brown	Moses
Buck	Murphy
Budak	Neese
Buell	Noe
Burton	Orentlicher
Cheney	Oxley
Cherry	Pelath
Chowning	Pflum
Cochran ☐	Pierce
Crawford	Pond
Crooks	Porter
Day	Reske
Denbo	Richardson
Dickinson	Ripley
Dobis	Robertson
Duncan	Ruppel
Dvorak	Saunders
Espich	Scholer
Foley	V. Smith
Frenz	Stevenson
Friend	Stilwell
Frizzell	Stine
Fry	Stutzman
GiaQuinta	Summers
Goodin	Thomas
Grubb	Thompson
Gutwein	Torr
Harris	Turner
Hasler	Ulmer
Heim	Weinzapfel
Herrell	Welch
Hinkle ☐	Whetstone
Hoffman	Wolkins
Kersey	D. Young ☐
Klinker	Yount
Koch	Mr. Speaker

Roll Call 404: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House stood for a moment of silence in memory of our troops from Indiana, who were killed over the weekend.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 26, 2003, at 1:30 p.m.

MAHERN

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1055, 1708, and 1724 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1044, 1056, 1141, and 1154 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1083 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1167 on March 21 and House Enrolled Acts 1115, 1116, 1117, 1183, and 1395 on March 25.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 37

Representatives Oxley and Denbo introduced House Concurrent Resolution 37:

A CONCURRENT RESOLUTION honoring James D. Allen, a former state representative who passed away on January 5, 2003.

Whereas, James D. Allen served four terms in the Indiana House of Representatives from 1949 to 1957 and was speaker of the house from 1953 to 1955;

Whereas, James D. Allen entered the political arena in 1941, when he was appointed clerk-treasurer of the city of Salem;

Whereas, James D. Allen practiced law in Salem for 60 years;

Whereas, James D. Allen was twice named a Sagamore of the Wabash;

Whereas, James D. Allen was appointed a member of the Administrative Building Council by former Governor Otis R. Bowen in 1977;

Whereas, James D. Allen served as executive secretary with

Governor Harold W. Handley from 1956 to 1961;

Whereas, James D. Allen was counsel to the attorney general in 1987;

Whereas, James D. Allen served 42 years on the board of directors for the Farmers-Citizens Bank;

Whereas, James D. Allen was instrumental in the formation of the Washington County Memorial Hospital; and

Whereas, James D. Allen was named Citizen of the Year by the Washington County Chamber of Commerce in 1963: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly honors James D. Allen for his dedication to the city of Salem, to Washington County, and to the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mrs. James D. Allen and Judge Frank Newkirk, Jr.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Skillman and Lewis.

House Concurrent Resolution 38

Representative Frizzell introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION honoring Marge and Don Dietel for their thirty years of service to the Indianapolis southside operating as Mr. D's Markets.

Whereas, Marge and Don Dietel have owned and operated nine different grocery stores in the past thirty years;

Whereas, Mr. D's Market is a positive influence in the community providing a livelihood for many families;

Whereas, Mr. D's Markets have provided hundreds of jobs for high school students from Southport, Perry Meridian, Roncalli, Whiteland, Greenwood, Manual and Center Grove High Schools;

Whereas, Marge and Don Dietel have made donations to Wheeler Mission, The Compassion Center, and many other non-profit organizations;

Whereas, In the name of Mr. D's Market, Marge and Don Dietel award two Five Hundred Dollar scholarships to student employees from Southport and Perry Meridian High Schools each year;

Whereas, In the name of Mr. D's Market, Marge and Don Dietel award a One Thousand Dollar scholarship to a college employee each year;

Whereas, Marge and Don Dietel raised almost Three Hundred Thousand Dollars for Cystic Fibrosis and Muscular Dystrophy Family Foundation;

Whereas, Marge and Don Dietel support many high school and college activities by donating food and drinks;

Whereas, Don Dietel moved here in the 60's and worked with his father in the food business at Crown Point, Indiana;

Whereas, Marge and Don Dietel have three children and eleven grandchildren;

Whereas, Both Marge and Don Dietel graduated from Hanover College;

Whereas, Don Dietel serves on the St. Francis Hospital Board;

Whereas, Marge Dietel is an artist (watercolor) and president of the Southside Art League;

Whereas, Marge and Don Dietel operate each of their stores using sound Christian principles that they follow in their daily lives: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes Marge and Don Dietel for their thirty years of service to the Indianapolis southside operating as Mr. D's Markets.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Marge and Don Dietel.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Borst.

House Resolution 30

Representative Ayres introduced House Resolution 30:

A HOUSE RESOLUTION to honor Chesterton High School for winning their sixth championship of the Indiana High School Forensic Association 2003 State Debate and Congress;

Whereas, Chesterton High School attended the Indiana High School Forensic Association 2003 State Debate and Congress at Ben Davis High School on January 31 and February 1, 2003 in which thirty-two high schools competed;

Whereas, Chesterton High School won its sixth championship in a row and fourteenth championship overall. Indiana has had debate competition for an overall champion since 1984 and Policy has had high school competition since 1929;

Whereas, Chesterton has broke all four of its Congressional Debate entries to the semi-final level;

Whereas, Chesterton High School Policy Debate team members are: Jenny Starceвич, Abby Deuberry, Jill Holsclaw, Jessica Recchia, Val Brown, Tim Ebert, Matt Mishler and Emily Lawson;

Whereas, Chesterton High School Lincoln-Douglas Debate Team members are: Francesca Smith, Kristin Totten, Alison Scribailo and Tim Zervos;

Whereas, Chesterton High School Congress Debate Team members are: Sarah Copley, Katie Cogdill, Erin Potrzebowski, Eric Lucas and Mike Frost;

Whereas, We congratulate the coaches of the Chesterton Debate Team, James Cavallo and Kristen Reed: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. The Indiana House of Representatives honors the Chesterton High School Debate Team for winning the State Championship.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to each member of the Chesterton High School Debate Team, Coach James Cavallo, Coach Kristen Reed, Principal of Chesterton High School and Superintendent of Duneland School Corporation.

The resolution was read a first time and adopted by voice vote.

House Resolution 31

Representatives Ruppel and Weinzapfel introduced House Resolution 31:

A HOUSE RESOLUTION to recognize Tristan L. Emery, the 2002-2003 Indiana FFA State Southern Region Vice President, for her efforts of promoting FFA and its values.

Whereas, Tristan L. Emery served as the North Miami FFA Greenhand Treasurer, Mt. Vernon FFA Chapter Reporter, President and District X Reporter and President;

Whereas, Tristan has attended both the state and national conventions, serving as a delegate at both. She also attended several conferences and workshops, including Washington Leadership Conference, Premier Leadership Training, State Degree Scoring Workshop, Tri-State Regional FFA Leadership Workshop and served as a page for Representative Weinzapfel at Farm Focus Day;

Whereas, Tristan's hard work has earned her several honors, including the Purdue University Junior Agriculture Scholar and Chapter Star Farmer awards;

Whereas, Tristan's Supervised Agricultural Experience program includes Sheep Production Entrepreneurship, and she owns and operates a purebred Suffolk sheep herd. Tristan's proficiency received second place honors in the leadership ambassador contest;

Whereas, After high school, Tristan plans to attend Purdue University and major in animal agribusiness. After graduating, she plans to pursue a career at an animal pharmaceutical company, either working in public relations or marketing. Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly recognize Tristan L. Emery for her outstanding efforts to promote FFA and its values.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Tristan L. Emery.

The resolution was read a first time and adopted by voice vote.

House Resolution 32

Representatives Ruppel and Bischoff introduced House Resolution 32:

A HOUSE RESOLUTION to recognize Jeremy Armstrong, the 2002-2003 Indiana FFA State Treasurer, for his efforts in promoting FFA and its values.

Whereas, Jeremy Armstrong has been active in the Switzerland County FFA Chapter President and Student Advisor. He served as District XII President and Sentinel, was a member of the Executive Committee, attended both the Indiana FFA State Convention and the National FFA Convention several times. He was also an interviewee for the National Models of Innovations and his involvement earned him several awards, including the Mental Attitude Award, the Senior Leader Award and the Top Citrus Seller Award;

Whereas, Jeremy's Supervised Agricultural Experience (SAE) is a 48 percent owner/operator of L&J Construction and Excavating. He also operates a fifteen head cattle farm and manages four acres of his family's tobacco plot. This earned Jeremy recognition of the 2002 State Environmental Science/Natural Resource Management Proficiency and a top-four finish for the 2002 State Agricultural Service Proficiency. He was named the 2001 Section IV Star in Agribusiness;

Whereas, Jeremy has been active in Soils, Livestock and Crops Career Development Events (CDEs), placing in the upper ten-percent several times. He was also the district winner in both the Leadership Ambassador and Conservation Demonstration CDEs;

Whereas, In high school, Jeremy was ranked sixth of ninety-nine in his class, was a member of the National Honor Society, and was recognized as a Lilly Endowment Scholar and as a National FFA Scholarship Recipient;

Whereas, Jeremy plans to attend Purdue University and major in agricultural education. After graduating he plans to receive his Masters Degree to pursue a career in 4-H Youth Extension. Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly recognize Jeremy Armstrong for his efforts to promote FFA and its values.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Jeremy Armstrong.

The resolution was read a first time and adopted by voice vote.

House Resolution 33

Representative Weinzapfel introduced House Resolution 33:

A HOUSE RESOLUTION honoring Poseyville Boy Scout Troop 387, Poseyville, Indiana.

Whereas, A tornado struck Posey County, Indiana, in September

2002, causing severe damage to farm fields and homes throughout the county;

Whereas, By its own initiative and generous labor, Poseyville Boy Scout Troop 387 organized a three-day cleanup of farm fields and worked tirelessly to remove debris that covered every square inch of one particular field;

Whereas, Troop member John Mahrenholz organized 11 other Scouts and five adults to assist;

Whereas, Other Scouts involved in the cleanup were Justin Collins, Dustin Craney, Andrew Fenwick, Josh Fenwick, Tyler Hargrove, David Jackson, Jarrod Jones, Jason Knowles, Chris Seibert, Kaleb Stratton, and Jeremy Wagner;

Whereas, The adults who participated in the effort were Ellis Fenwick, Diana Mahrenholz, Danny Stratton, Scoutmaster Mitch Wagner, and Mike Wolf; and

Whereas, These dedicated Scouts and their adult supervisors showed compassion and concern for their neighbors, and that deserves special recognition. Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to express its sincere thanks and appreciation to Poseyville Boy Scout Troop 387 for its loyal community service effort in Posey County.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Scouts Andrew Fenwick, Josh Fenwick, Chris K. Seibert, Dustin Craney, Kaleb Stratton, Jason Knowles, Jeremy Wagner, Justin Collins, Tyler Hargrove, John Mahrenholz, Jarrod Jones, and David Jackson; Scoutmaster Mitch Wagner; assistant Scoutmasters Mike Wolf, Ellis Fenwick, and Danny Stratton; and troop committee member Diana Mahrenholz.

The resolution was read a first time and adopted by voice vote.

House Resolution 34

Representatives Ruppel and Gutwein introduced House Resolution 34:

A HOUSE RESOLUTION to recognize Kara Kohlhausen, the 2002-2003 Indiana FFA Star Reporter for her efforts of promoting FFA and its values.

Whereas, Kara Kohlhausen served as Rensselaer FFA Chapter President and Chapter Secretary. She served as the Section I Director and District I Reporter. She has attended several FFA conferences, workshops, the National FFA Convention, the Indiana FFA State Convention and the Washington Leadership Conference;

Whereas, Kara worked in the Agricultural Value-Added Country Market in the FFA Pavilion at the Indiana FFA State Fair for two years;

Whereas, Kara competed in Soils, Crops, Dairy and Dairy Foods Career Development Events (CDEs). Her efforts in the Soils Evaluation CDE won Kara two trips to the national contest;

Whereas, Kara's Supervised Agricultural Experience (SAE) consists of raising five acres of pumpkins, sweet corn, potatoes and various fruits such as black raspberries and strawberries. Her SAE has also expanded to include work on the family's fifteen acre asparagus farm and three thousand acre grain and livestock farm;

Whereas, In high school Kara was a member of the National Honor Society, Fellowship of Christian Students, Sunshine Society, Students against Destructive Decisions. and the Spanish Club;

Whereas, Outside of school she was active in 4-H, serving as both club president and secretary. She also served as the president and secretary for Junior Leaders and her academic efforts earned her the Lilly Endowment Scholarship;

Whereas, Kara plans to attend Purdue University majoring in agricultural education and pursue a career in the agricultural field. Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly recognize Kara Kohlhaugen, the Indiana FFA State Reporter for her efforts to promote FFA and its values.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Kara Kohlhaugen.

The resolution was read a first time and adopted by voice vote.

House Resolution 35

Representatives Ruppel and Stutzman introduced House Resolution 35:

A HOUSE RESOLUTION to recognize Benjamin Leu, the 2002-2003 Indiana FFA State Northern Region Vice President, for his efforts of promoting FFA and its values.

Whereas, Benjamin Leu served as the Prairie Heights FFA Chapter President, District III President and District III Vice President;

Whereas, He attended the Indiana FFA State Convention serving as a delegate several times and his involvement has earned Benjamin numerous awards at the chapter, district and state levels;

Whereas, Benjamin participated in many state activities, including several camps and workshops. He was also active in many career development events including public speaking and the agricultural production demonstration;

Whereas, Benjamin has utilized the school farm at Prairie Heights and the work at home to have a home and community development in Supervised Agricultural Experience (SAE). He worked with trimming tools and other pieces of machinery, as well as learning many different facets of constructing a house;

Whereas, In high school he played football, wrestled, and served as National Honor Society president, as well as senior class president. He is a ten-year 4-H member and a Junior Leader;

Whereas, Benjamin's Supervised Agricultural Experience has been Forest Management. This consisted of two summers of working at Booth's Christmas tree farm trimming trees, in addition to planting and caring for about 300 of his own white and scotch pines;

Whereas, Benjamin plans to attend Purdue University to major in agricultural education and pursue a teaching career after he graduates;

Whereas, Benjamin will travel across Indiana speaking to over 6,000 students and FFA supporters, present numerous workshops and camps, and participate in goodwill tours throughout the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly recognize Benjamin Leu for his outstanding efforts to promote FFA and its values.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Benjamin Leu.

The resolution was read a first time and adopted by voice vote.

House Resolution 36

Representatives Ruppel and Richardson introduced House Resolution 36:

A HOUSE RESOLUTION to recognize Amanda M. Vore, the 2002-2003 Indiana FFA State Secretary, for her efforts of promoting FFA and its values.

Whereas, Amanda M. Vore has served as the Hamilton Southeastern FFA Chapter Vice President, Student Advisor, District Vice President and Secretary as well as the Indiana FFA State Chorus Vice President;

Whereas, Amanda participated in the Career Development Events, including Job Interview at the national level, Extemporaneous in the Freshman Extemporaneous, Quiz Bowl at the state level, District V Horticulture Demonstration and the Female Leadership Ambassador

contest;

Whereas, In high school, Amanda was involved in Spanish Club, Environmental Science Club, and Students Against Drunk Driving (SADD), and has been active in 4-H Junior Leaders and the Hamilton County Antique Tractor Association;

Whereas, Her Supervised Agricultural Experience (SAE) is buying and selling swine for her 4-H project;

Whereas, Amanda plans to attend Purdue University in the fall of 2003 where she will pursue a degree in agricultural education. She would also like to teach at the high school level or pursue her masters degree so that she can work as an agricultural extension agent;

Whereas, Amanda will travel the state of Indiana promoting agricultural education and while in office she will speak to over 6,000 students and FFA supporters, and present numerous workshops and camps: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General Assembly recognize Amanda M. Vore for her excellent efforts to promote FFA and its values.

SECTION 2. That the Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Amanda M. Vore.

The resolution was read a first time and adopted by voice vote.

House Resolution 37

Representatives Ruppel and Ripley introduced House Resolution 37:

A HOUSE RESOLUTION to recognize Kyle Culp, the 2002-2003 Indiana FFA State President, for his efforts of promoting FFA and its values.

Whereas, Kyle Culp is the Indiana State President representing more than 8,300 members of the Indiana FFA and its values. He is also responsible as a state officer to develop relationships with leaders in government, education, business and agricultural sectors;

Whereas, Kyle has participated in many Career Development Events, including livestock evaluation, where he earned second place in the state his senior year in livestock evaluation. Kyle was a state winner in diversified livestock entrepreneurship and second place in the state level with his swine entrepreneurship and earned the Chapter Star Farmer for his SAE;

Whereas, Kyle will have the opportunity to travel the state of Indiana promoting agricultural education and the FFA. While in office Kyle will speak to over 6,000 students and FFA supporters, present numerous workshops and camps, and participate in goodwill tours throughout the state;

Whereas, In high school, Kyle participated in football and served as class secretary;

Whereas, Kyle is a ten-year 4-H member and a member of Junior Leaders;

Whereas, during his FFA career, Kyle served as the Bellmont FFA Chapter President, Vice President and Treasurer. He also served as District VI Vice President, Secretary and Section II Director and attended the Indiana FFA State Convention;

Whereas, After Kyle's term as an officer, he plans to attend either Connors State College or Purdue University to major in agricultural education and pursue a teaching career;

Whereas, Kyle is committed to supporting the future of agriculture because through education and the FFA, students are able to develop their potential for premier leadership, personal growth and career success: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the Indiana General recognize Kyle Culp for his outstanding efforts to promote

FFA and its values.

SECTION 2. The Principal Clerk of the House of Representatives is directed to transmit a copy of this resolution to Kyle Culp.

The resolution was read a first time and adopted by voice vote.

House Resolution 38

Representatives GiaQuinta, Alderman, Reske, Buell, Stilwell, Espich, Kromkowski, Lehe, McClain, Bauer, and Bosma introduced House Resolution 38:

A HOUSE RESOLUTION honoring and supporting the American forces in the Middle East.

Whereas, For more than a decade, the United States and other nations have endeavored to disarm the Iraqi regime without war;

Whereas, The President of the United States has ordered military action against the government of Iraq in an effort to liberate the Iraqi people and eradicate international terrorism and weapons of mass destruction;

Whereas, The men and women of the United States Armed Forces are now involved in armed conflict in the Persian Gulf and Afghanistan;

Whereas, Over 3800 members of the National Guard and Reserve units based in Indiana and Hoosiers on active duty have answered the call to service and may be involved in armed conflict in support of the United States of America; and

Whereas, The Indiana General Assembly and the citizens of the State of Indiana have the greatest pride in the men and women of the United States Armed Forces and support them in their efforts: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana General Assembly unequivocally supports the men and women of our Armed Forces who are carrying out their missions in the Persian Gulf and Afghanistan with professional excellence, dedicated patriotism, and exemplary bravery.

SECTION 2. That the Indiana General Assembly supports the President of the United States as Commander in Chief of the Armed Forces in combating terrorism and the proliferation of weapons of mass destruction.

SECTION 3. That the Indiana General Assembly expresses the gratitude of the people of the State of Indiana to the family members of all Americans serving in operations against Iraq who have borne the burden of sacrifice and separation from their loved ones, and our deep condolences to the families of the brave Americans who have lost their lives in this patriotic undertaking against the government of Iraq.

SECTION 4. That copies of this resolution be transmitted by the Principal Clerk of the House to the President of the United States, the members of the Indiana Congressional delegation, and the commander at each military facility in Indiana.

The resolution was read a first time and adopted by voice vote.

Representative Duncan lead the members in singing "God Bless America".

The Speaker announced that members could request that copies of House Resolution 38 be sent to their constituents who are serving in Iraq and to their families.

Senate Concurrent Resolution 33

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representatives Frizzell and Murphy:

A CONCURRENT RESOLUTION to recognize and congratulate Dr. H. Douglas Williams for being named Indiana's Superintendent of the Year for 2003 and for his many years of dedication to educating Indiana's youth.

Whereas, For over thirty years Dr. Williams has dedicated himself to educating the youth of Indiana when he began his teaching career

as a social studies teacher for the Fort Wayne Community Schools in 1970;

Whereas, Over the years Dr. Williams' education career has evolved from teaching social studies, to becoming an Assistant Principal, a Principal, a Graduate Assistant, an Adjunct Professor, an Area Superintendent, and a Superintendent for the Fort Wayne Community Schools in 1991;

Whereas, In 1993 Dr. Williams became Superintendent of Schools for the Metropolitan School District of Perry Township;

Whereas, Dr. Williams was nominated for the 2003 Indiana Superintendent of the Year Award based upon his many years of experience and dedication to education; and

Whereas, Dr. Williams was named the 2003 recipient of the Indiana Superintendent of the Year and entered into the National Superintendent of the Year Program sponsored by the American Association of School Administrators: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana State Senate congratulates Dr. H. Douglas Williams for being named the recipient of the 2003 Indiana Superintendent of the Year Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Superintendent of Schools for the Metropolitan School District of Perry Township Dr. H. Douglas Williams.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 41

The Speaker handed down Senate Concurrent Resolution 41, sponsored by Representative Bischoff:

A CONCURRENT RESOLUTION recognizing Dearborn County on its bicentennial anniversary.

Whereas, Dearborn County, the third oldest county in Indiana was originally populated by Native Americans known as "Mound Builders," who constructed mounds along the Ohio River in the 12th or 13th century;

Whereas, George Washington was President when the first settlers arrived in Dearborn County via the Ohio River. Some of the earliest settlers were Adam Flake and his family, who settled on South Hogan Creek in 1796;

Whereas, The area that is now Dearborn County was originally part of Hamilton County, Ohio. On April 30, 1802, Congress re-established the eastern boundary line making the area part of the Indiana Territory;

Whereas, On March 7, 1803, William Henry Harrison, the first governor of the Indiana Territory, formed Dearborn County by proclamation. The county was named in honor of Major General Henry Dearborn, Secretary of War under President Thomas Jefferson;

Whereas, Two Indiana governors, both born in Lawrenceburg, have hailed from Dearborn County. Albert Gallatin Porter served from 1881 to 1885 and Winfield Taylor Durbin served from 1901-1905;

Whereas, Two U.S. Presidents have ties to Dearborn County. William Henry Harrison, born in Virginia in 1773, became the secretary to Northwest Territory Governor Arthur St. Clair. He married a daughter of John Cleves Symmes, and lived just across the Great Miami River from Lawrenceburg. He was appointed the first governor of the Indiana Territory and was elected President in 1840;

Whereas, Benjamin Harrison, grandson of William Henry Harrison, grew up on the Harrison farm near Cleves, Ohio. Family records detail the family's ties to Lawrenceburg, only a mile or two away. Benjamin Harrison was President of the United States from 1889 to 1893;

Whereas, Lawrenceburg became the county seat by an act of Legislature on January 3, 1844. Dearborn County consists of fourteen townships, covering 333 square miles of rolling surface. It includes the cities of Lawrenceburg and Aurora and the towns of Dillsboro, Greendale, and Moore's Hill; and

Whereas, Dearborn County has several historic sites, including one of Indiana's oldest educational institutions, the King Hotel and the site of Morgan's Raid during the Civil War: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The General Assembly of the State of Indiana recognizes Dearborn County on its bicentennial anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to the Dearborn County Board of Commissioners and the Dearborn County Chamber of Commerce.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 203, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 257, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 363, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 18, delete "medical director" and insert "**licensed physician who gives medical direction in the use of a defibrillator under IC 16-31-6.5-4**".

Page 2, line 18, after "or" insert "**a national or state approved defibrillator**".

Page 2, line 21, delete "medical director" and insert "**licensed physician**".

Page 2, line 22, delete "medical director" and insert "**licensed physician**".

Page 2, line 27, delete "medical director" and insert "**licensed physician**".

(Reference is to SB 363 as printed February 7, 2003.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 417, has had the same under consideration and begs leave to report the same

back to the House with the recommendation that said bill be amended as follows:

Page 2, line 29, after "include" insert ":

- (1) **aggregates;**
- (2) **fillers;**
- (3) **cementitious materials; or**
- (4) **any combination of aggregates, filler, or cementitious materials;**

that are used in the manufacture of".

Page 3, line 17, delete "6-3.1-25" and insert "**6-3.1-25.2**".

Page 3, line 19, delete "6-3.1-25" and insert "**6-3.1-25.2**".

Page 3, line 22, delete "25." and insert "**25.2**".

Page 4, line 17, after "include" insert ":

- (1) **aggregates;**
- (2) **fillers;**
- (3) **cementitious materials; or**
- (4) **any combination of aggregates, filler, or cementitious materials;**

that are used in the manufacture of".

Page 6, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 3. IC 13-11-2-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 15.5. "ASTM" refers to the American Society for Testing and Materials.**

SECTION 4. IC 13-19-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2004]: **Sec. 3.** The board may not adopt rules under section 1 of this chapter to regulate the following:

- (1) The disposal of waste indigenous to the coal mining process **and coal combustion products (as defined by ASTM E-2201-02a), including fly or ash, bottom ash, boiler slag, fluidized bed combustion ash, or coal combustion fly or bottom ash in mixture with flue gas desulfurization byproducts generated by material produced from the combustion of coal or the cleaning of stack bases on coal combustion units if the material:**

- (A) is not included in the definition of hazardous waste or is exempt from regulation as a hazardous waste under 42 U.S.C. 6921; and

- (B) is disposed of at a facility regulated under IC 14-34.

- (2) The use of coal combustion **products (as defined by ASTM E-2201-02a), including fly or ash, bottom ash, boiler slag, fluidized bed combustion ash, or coal combustion fly or bottom ash in mixture with flue gas desulfurization byproducts generated by material produced from the combustion of coal or the cleaning of stack bases on coal combustion units, or boiler slag if the use includes one (1) of the following uses:**

- (A) The extraction or recovery of materials and compounds contained within coal ~~ash~~ **combustion products.**

- (B) Bottom ash as an antiskid material.

- (C) Raw material for manufacturing another product.

- (D) Mine subsidence, mine fire control, and mine sealing.

- (E) Structural fill when combined with cement, sand, or water to produce a controlled strength fill material.

- (F) A base in road construction.

- (G) **Cover for coal processing waste disposal locations to:**

- (i) **inhibit infiltration;**

- (ii) **provide buffering; or**

- (iii) **enhance structural integrity;**

for refuse piles at surface and underground mines subject to IC 14-34 if the department, in concurrence with the department of natural resources, determines that the materials and methods to be employed are appropriate for the intended use.

(H) Agricultural applications, when applied using appropriate agronomic amounts to improve crop or vegetative production."

Page 6, line 24, delete "6-3.1-25," and insert "**6-3.1-25.2**".

Renumber all SECTIONS consecutively.

(Reference is to SB 417 as reprinted March 4, 2003.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

HASLER, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 6

Representative Aguilera called down Engrossed Senate Bill 6 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 13

Representative Kuzman called down Engrossed Senate Bill 13 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 27

Representative Ayres called down Engrossed Senate Bill 27 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 215

Representative Reske called down Engrossed Senate Bill 215 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 308

Representative Stevenson called down Engrossed Senate Bill 308 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 340

Representative C. Brown called down Engrossed Senate Bill 340 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 465

Representative Welch called down Engrossed Senate Bill 465 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 465-3)

Mr. Speaker: I move that Engrossed Senate Bill 465 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-17-1-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 11. IC 5-22-16-4(b) applies to a lease or purchase of personal property made after June 30, 2003, by an agency (as defined in IC 4-13-2-1) or a state educational institution (as defined in IC 20-12-0.5-1) to the same extent as if the lease or purchase were subject to IC 5-22.**

SECTION 2. IC 5-22-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) An offeror that is a foreign corporation must be registered with the secretary of state to do business in Indiana in order to be considered responsible.

(b) **This subsection applies to a purchase of supplies or services for a state agency under a contract entered into or purchase order sent to an offeror (in the absence of a contract) after June 30, 2003, including a purchase described in IC 5-22-8-2 or IC 5-22-8-3. A state agency may not purchase property or services from a person that is delinquent in the payment of amounts due from the person under IC 6-2.5 (gross retail and use tax). A purchasing agent shall require an offeror submitting a bid or contract to certify that the offeror is not an ineligible vendor under this subsection.**

(c) The purchasing agent may award a contract to an offeror pending the offeror's registration with the secretary of state. If, in the

judgment of the purchasing agent, the offeror has not registered within a reasonable period, the purchasing agent shall cancel the contract. An offeror has no cause of action based on the cancellation of a contract under this subsection."

Page 8, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 23. IC 6-2.5-4-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003] **Sec. 14. The department shall provide the Indiana department of administration and each purchasing agent for each state educational institution (as defined in IC 20-12-0.5-1) with a list of persons that are delinquent in remitting or paying amounts due to the department under this article. The department shall periodically revise the list to notify the Indiana department of administration and state educational institutions of additions or deletions from the list.**"

Page 17, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 34. IC 6-2.5-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 10. (a) A person that:

- (1) makes retail transactions from outside Indiana to a destination in Indiana;
- (2) does not maintain a place of business in Indiana; and
- (3) **either:**

(A) engages in the regular or systematic soliciting of retail transactions from potential customers in Indiana;

(B) **enters into a contract to provide property or services to an agency (as defined in IC 4-13-2-1) or an institution of higher education (as defined in IC 20-12-0.5-1); or**

(C) **agrees to sell property or services to an agency (as defined in IC 4-13-2-1) or an institution of higher education (as defined in IC 20-12-0.5-1);**

shall file an application for a retail merchant's certificate under this chapter and collect and remit ~~the use~~ tax as provided in this article. **Conduct described in subdivision (3)(B) and (3)(C) occurring after June 30, 2003, constitutes consent to be treated under this article as if the person has a place of business in Indiana or is engaging in conduct described in subdivision (3)(A), including the provisions of this article that require a person to collect and remit tax under this article.**

(b) A person is rebuttably presumed to be engaging in the regular or systematic soliciting of retail transactions from potential customers in Indiana if the person does any of the following:

(1) Distributes catalogs, periodicals, advertising flyers, or other written solicitations of business to potential customers in Indiana, regardless of whether the distribution is by mail or otherwise and without regard to the place from which the distribution originated or in which the materials were prepared.

(2) Displays advertisements on billboards or displays other outdoor advertisements in Indiana.

(3) Advertises in newspapers published in Indiana.

(4) Advertises in trade journals or other periodicals that circulate primarily in Indiana.

(5) Advertises in Indiana editions of a national or regional publication or a limited regional edition in which Indiana is included as part of a broader regional or national publication if the advertisements are not placed in other geographically defined editions of the same issue of the same publication.

(6) Advertises in editions of regional or national publications that are not by the contents of the editions geographically targeted to Indiana but that are sold over the counter in Indiana or by subscription to Indiana residents.

(7) Broadcasts on a radio or television station located in Indiana.

(8) Makes any other solicitation by telegraphy, telephone, computer data base, cable, optic, microwave, or other communication system.

(c) A person not maintaining a place of business in Indiana is considered to be engaged in the regular or systematic soliciting of retail transactions from potential customers in Indiana if the person engages in any of the activities described in subsection (b) and:

(1) makes at least one hundred (100) retail transactions from outside Indiana to destinations in Indiana during a period of twelve (12) consecutive months; or

(2) makes at least ten (10) retail transactions totaling more than one hundred thousand dollars (\$100,000) from outside Indiana to destinations in Indiana during a period of twelve (12) consecutive months.

(d) The location in or outside Indiana of vendors that:

(1) are independent of a person that is soliciting customers in Indiana; and

(2) provide products or services to the person in connection with the person's solicitation of customers in Indiana, including products and services such as creation of copy, printing, distribution, and recording;

is not to be taken into account in the determination of whether the person is required to collect use tax under this section."

Renumber all SECTIONS consecutively.

(Reference is to ESB 465 as printed March 21, 2003.)

FRENZ

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 515

Representative Dvorak called down Engrossed Senate Bill 515 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bill 417 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as cosponsor of Engrossed Senate Bill 281.

BARDON

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Reske, the House adjourned at 2:40 p.m., this twenty-fifth day of March, 2003, until Wednesday, March 26, 2003, at 1:30 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

DIANE MASARIU CARTER

Principal Clerk of the House of Representatives